

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/535,760
Filing Date: November 1, 2005
Applicant: Udo J. Vetter et al.
Group Art Unit: 3763
Examiner: Aarti Bhatia
Title: PREFILLED SYRINGE
Attorney Docket: 2693-000011/US/NP

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COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Sir:

The Examiner's Statement of Reasons for Allowance is respectfully traversed. Reasons for allowance are only warranted in instances in which "the record of the prosecution as a whole does not make clear [the Examiner's] reasons for allowing a claim or claims." 37 C.F.R. 1.104(e). In the present case, Applicants believe the record as a whole makes clear the reasons for allowance and therefore no statement by the Examiner is necessary or warranted, especially since the statement may unfairly focus on certain reasons for allowance that are not reflected by the prosecution history. Therefore, the record should reflect that Applicants do not necessarily agree with each statement in the reasons for allowance and specifically disagrees with the narrow characterization of Applicants' claimed invention.

For example, Applicants note that the Examiner's stated reason for allowance is not recited by either of independent Claims 13 or 21. Specifically, neither of Claims 13 and 21 recite "a prefilled syringe where the threaded section remains with the finger support and does not move relative to the syringe barrel when meshed with the rod thread."

While Applicants believe that each of the claims are patentably distinct over the prior art, Applicants submit that patentability does not reside solely in the combination of features identified in the Examiner's reasons, or that each feature or combination of features identified therein is required for patentability, or that equivalents of any of the recited features are outside the scope of the claims. Each and every allowed claim is novel and nonobvious due to the combination of elements contained therein and not due to any single element. Thus, every element should be interpreted as broadly as claimed with all equivalents. Moreover, to the extent the reasons for allowance do not separately address the subject matter of each claim, Applicants submit that the failure to address each claim does not infer that the subject matter thereof fails to present other reasons for allowance apart from those specifically stated by the Examiner.

Respectfully submitted,

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